

Warren County Board of Supervisors

RESOLUTION NO. 328 OF 2012

Resolution introduced by Supervisors Bentley, Kenny, Strainer, Monroe, Dickinson, Vanselow and Mason

REQUESTING NEW YORK STATE SUPREME COURT APPELLATE DIVISION, THIRD DEPARTMENT TO REVIEW REQUESTS FOR OBJECTION TO REASSIGNMENT OF APPEALS TO A PRIVATE ATTORNEY

WHEREAS, the Warren County Public Defender's Office, in Resolution No. 491 of 2011, applied for and received specific funding from the Office of Indigent Legal Services in New York State for stipends for staff so they could begin handling Warren County appeals for indigent appellants in felony matters before the New York State Supreme Court Appellate Division, Third Department ; and

WHEREAS, the indigent appellant routinely objects to the assignment of a public defender's office to handle his appeal, basing such objection on a perceived conflict of interest and in hopes that their appeals will be reassigned to a private attorney; and

WHEREAS, the Criminal Justice Committee of the Warren County Board of Supervisors has been advised that the New York State Supreme Court Appellate Division, Third Department often responds to these objections by reassigning appeals without considering the merits of the objection; and

WHEREAS, as a direct result, Warren County is required to pay for the perfection of an appeal by an assigned attorney at statutory rates, as opposed to said appeal being handled by the Public Defender's Office; and

WHEREAS, the Office of Indigent Legal Services does not pay any stipend to the Public Defender's Office in such cases and, as a result, Warren County will realize an unnecessary financial burden, frequently costing several thousand dollars for a single appeal; now, therefore, be it

RESOLVED, that due to funding concerns, the Warren County Board of Supervisors respectfully requests that in each case, the New York State Supreme Court Appellate Division, Third Department consider reviewing the appellant's objections and make reassignments of appeals only after a thorough analysis of the merits, and after considering input from the Warren County Public Defender's Office, and be it further

RESOLVED, that the Clerk of the Warren County Board of Supervisors is hereby directed to send a copy of this resolution to the New York State Supreme Court, Appellate Division, Third Department.